



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

FEB 27 2003

Mr. Gerry G. Kefalinos
Manager, Dangerous Goods & Cargo Security
Northwest Airlines, Inc.
5101 Northwest Drive
St. Paul, MN 55111-3034

Ref No. 02-0275

Dear Mr. Kefalinos:

This is in response to your October 30, 2002 letter, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers for hazardous materials transported by aircraft. Specifically, you ask if the date of acceptance is required on shipping papers, the requisite period of retention of shipping papers, and if the International Civil Aviation Organization (ICAO) Technical Instructions are an acceptable substitute for the HMR.

Please find an enclosed copy of the July 12, 2002, Final Rule and the November 1, 2002 Final Rule, response to appeals for Retention of Shipping Papers, under Docket No. HM-207B. The Final Rule under HM-2007B amended the HMR to require shippers and carriers to retain a copy of each hazardous material shipping paper, or an electric image thereof, for a period of 375 days after the date the hazardous material is accepted by a carrier. Each shipping paper copy must include the date of acceptance by the initial carrier, except that, for rail, air and vessel shipments, the date on the shipment waybill or bill of lading may be used in place of the date of acceptance by the initial carrier.

Section 171.11 authorizes the use of the ICAO Technical Instructions as an alternative to the requirements prescribed in the HMR for air shipments, with certain exceptions. As provided by § 171.11 of the HMR, notwithstanding the requirements of parts 172 and 173 of this subchapter, a hazardous material may be transported by aircraft, and by motor vehicle either before or after being transported by aircraft, in accordance with the ICAO Technical Instructions if the hazardous material is packaged, marked, labeled, classified, described and certified on a shipping paper and otherwise in a



020275

171.11

condition for shipment as required by the ICAO Technical Instructions. Shipping papers prepared in accordance with ICAO Technical Instructions must also be retained for 375 days after acceptance by the initial carrier (see § 175.30).

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

Enclosures



**NORTHWEST
CARGO**

Northwest Airlines, Inc.
5101 Northwest Drive
St. Paul MN 55111-3034

Mr. Edward Mazzullo
Director - Office of H.M Standards
US DOT - RSPA DHM 10
400 7th Street S.W.
Washington DC 20590

Foster
\$171.11
\$175.30(a)(2)
\$172.205
Shipping Papers ICAI
30 October 2002
02-0295

Subject: Date of Acceptance and Retention of Shipping Papers

I recently visited our vendor in Amsterdam, KLM, who does the majority of our ground handling and cargo acceptance in most of Europe and was asked if the date of acceptance was required on the shipping papers (Shippers Declaration for Dangerous Goods) that they accept for us around the world. I contacted your office from Amsterdam and spoke to a member of your staff, Susan Gorsky and she advised that as long as the documents met the requirements of ICAO; you would accept them as in compliance with your new requirement that was effective on August 12th of this year. Susan advised that she would confirm this interpretation and would get back to me when I returned from Europe.

After I returned to my office last week, I spoke to Susan again and she confirmed that as long as the documents were in compliance with ICAO that would be acceptable. She advised that if I would like this in writing, that I should submit to your office a letter to that effect.

Please provide a letter confirming my interpretation and that as presented by Susan Gorsky indicating that when a vendor or other carrier accepts hazardous materials/dangerous goods on behalf of a US Carrier outside of the US, its territories and possessions that as long as the documents meet the requirements of ICAO, that they will be deemed in compliance with the new US requirements. Please include in your letter, regarding the circumstances as indicated above as to what period of retention is required. US 13 (b) indicates "not less than 90 days".

Your expeditious reply is requested.

Gerry G. Kefalinos - Manager
Dangerous Goods & Cargo Security
Northwest Airlines Cargo
Department C5674
5101 Northwest Drive
St. Paul MN 55111-3034
(612) 727-7024
gerry.kefalinos@nwa.com